

BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION**

HOUSE JUDICIARY COMMITTEE

Date: Monday, January 26, 2009
Place: Capitol

Time: 9:00 am
Room: 137

BILLS and RESOLUTIONS HEARD:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

HB 302

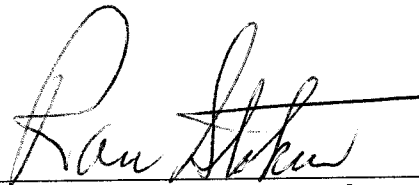
EXECUTIVE ACTION TAKEN:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

HB 302 (Failed) _____

HB 133 (DPAA) _____

COMMENTS: HB 302 Tabled



REP. Ron Stoker, Chairman

HOUSE OF REPRESENTATIVES
Roll Call
JUDICIARY COMMITTEE

DATE: 1/26/09

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
Rep. Peterson	X	
Rep. Kottel	X	
Rep. Kerns	X	
Rep. Sands	X	
Rep. Bennett	X	
Rep. MacDonald	X	
Rep. More	X	
Rep. Ebinger	X	
Rep. Wagner	X	
Rep. Becker	X	
Rep. Driscoll	X	
Rep. Regier	X	
Rep. McClafferty	X	
Rep. Howard	X	
Rep. Blewett		X
Rep. Warburton	X	
Rep. Menahan		X
Rep. Stoker	X	



HOUSE STANDING COMMITTEE REPORT

January 26, 2009

Page 1 of 3

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 133** (first reading copy – white) **do pass as amended.**

Signed: _____

A handwritten signature in cursive script, appearing to read "Ron Stoker", is written over a horizontal line.

Representative Ron Stoker, Chair

And, that such amendments read:

1. Title, page 1, line 9.

Strike: "40-5-908,"

Insert: "40-5-907,"

2. Page 7, line 22.

Following: "account"

Insert: "or to be paid by credit card"

3. Page 10, line 17 through page 11, line 12.

Strike: section 7 in its entirety

4. Page 11.

Following: line 12

Insert: "Section 7. Section 40-5-907, MCA, is amended to read:

"40-5-907. Case registry -- abstracts -- information required -- mandatory updating. (1) There must be registered in the case registry an abstract of:

(a) each case, including interstate cases, receiving IV-D services provided by the department;

(b) each support order entered and each modification of an existing support order made in this state after October 1, 1998; and

(c) each subsequent order or action establishing, modifying, adjusting, granting relief from, terminating, or otherwise affecting a support order in a registered case.

(2) Each abstract must include:

(a) the name, sex, [social security number, other]

Committee Vote:

Yes 16, No 2

Fiscal Note Required ☐

HB0133001SC.hjd

identification numbers, if any, date of birth, driver's license number, telephone number, and residential and mailing addresses of the parents;

(b) the child's name, date of birth, sex, [social security number, if any,] and residential address if different from that of the child's custodian;

(c) the name and location of the obligee if the obligee is a person or agency other than the child's parent;

(d) the name, address, and telephone number of the obligor's employer or of another payor of income to the obligor;

(e) (i) if the child is covered by a health or medical insurance plan and the information is available in an electronic format, the name of the insurance carrier or health benefit plan, the policy identification number, the name of the persons covered, and any other pertinent information regarding coverage; i or

(ii) if the child is not covered, information as to the availability of coverage for the child through the obligor's and obligee's employers; and

(f) any other information that the department considers relevant and requires by rule.

(3) The abstract of a support order must include:

(a) the amount of the support payment and supplemental support payments, if any, for each child and the amount of spousal maintenance if ordered in the same case;

(b) the specific day or dates the payment is due;

(c) the inclusive dates of the support obligation;

(d) the terms of any condition that may affect the amount of the payment, the due date, or the obligation to pay support;

(e) each subsequent judgment for support arrears and the amounts of any interest, late payment penalties, and fees included in the judgment;

(f) any specific child support lien imposed against real or personal property of the obligor;

(g) the terms of any medical and health coverage provision for the child; and

(h) the name and county of the judicial district or the name and address of the agency where the record of the case is located and the cause number or case identification number for the case.

(4) (a) For each IV-D case with a support order registered in the case registry, there must be a record of the date and the amount of support payments made by the obligor, dates and amounts of support collected from other sources, dates of distribution of support payments, names and locations of persons or agencies to whom support payments and collections were distributed, and the balance of support owed by the obligor.

(b) Except as provided in subsection (5), the department need not maintain payment records in a non IV-D case.

(5) A copy of each non IV-D income-withholding order must be included in the case registry. For each registered

income-withholding order, there must be a record of payments received by the department from the payor under the income-withholding order, the date and amount of each payment, the date the department distributed the payment, and the person or agency to whom the payment was distributed.

(6) The statistical report required by the department under 50-15-302 may be combined with and made a part of the abstract of support order form.

(7) (a) Each support order entered or modified in this state after October 1, 1998, must include a requirement that the obligor and obligee update, as necessary, the information included in the abstract under subsection (2).

(b) The order must also provide that in a subsequent child support enforcement action, upon sufficient showing that diligent effort has been made to ascertain the location of the obligor or obligee, the court or agency taking the enforcement action may consider the due process requirements for notice and service of process to be met with respect to the party upon delivery of written notice by regular mail to the most recent address or employer address reported to the case registry.

(c) If the support order does not include the provisions required by subsections (7)(a) and (7)(b) or if the support order was entered or last modified in this state before October 1, 1998, the department may give written notice of the provisions to the obligor and obligee. Upon receipt of the notice, the provisions have the same force and effect on the obligor and obligee as if included in the support order. (Bracketed language terminates on occurrence of contingency--sec. 1, Ch. 27, L. 1999.) ""

- END -


All Notices are to be printed, none will be EMailed

COMMITTEE FILE COPY

TABLED BILL

The HOUSE JUDICIARY COMMITTEE TABLED HB 302, by motion, on Monday, January 26, 2009.

(For the Committee)

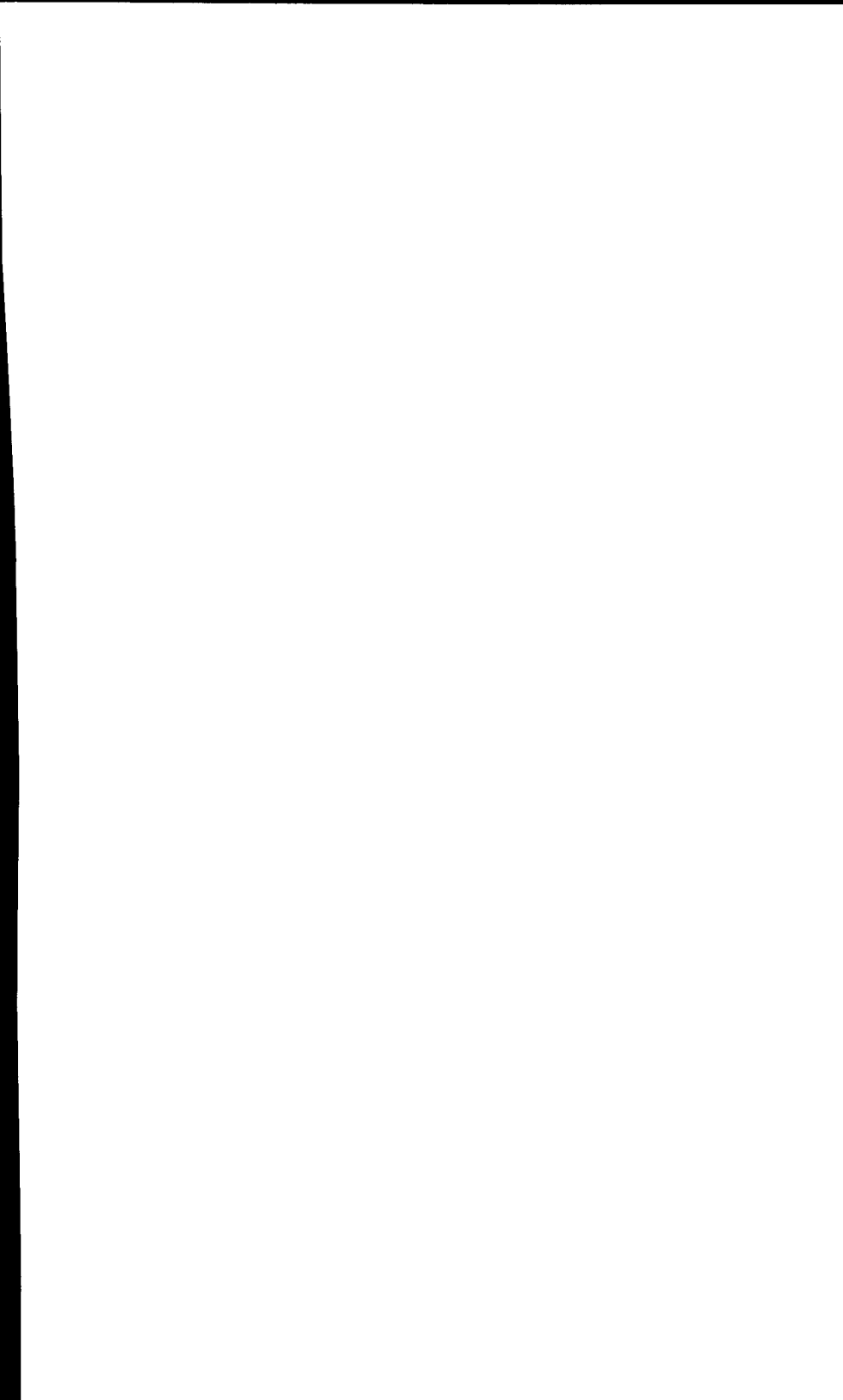

(Chief Clerk of the House)

_____, ____
(Time) (Date)

January 30, 2009

Jennifer L. Eck, Secretary

Phone: 444-4832



HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE 1/26/09 BILL NO 133 MOTION NO. _____
MOTION: DO PASS HB 133 as amended amended

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
Ken Peterson	X		
Deborah Kottel	X		X
Krayton Kerns	X		
Diane Sands	X		
Gerald Bennett	X		
Margaret MacDonald	X		
Michael More	X		
Bob Ebinger	X		
Bob Wagner		X	
Arlene Becker	X		
Robyn Driscoll	X		
Keith Regier	X		
Edith McClafferty	X		
David Howard		X	
Anders Blewett	X		X
Wendy Warburton	X		
Mike Menahan	X		X
Ron Stoker	X		

**AUTHORIZED
COMMITTEE PROXY**

I request to be excused from the Judiciary

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. Driscoll

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

HB 55	X	
Amendments	X	
HB 130	X	
HB 133	X	

BILL/AMENDMENT

AYE NO

Rep.

Amelia Blewett
(Signature)

Date

1/26/09

AUTHORIZED COMMITTEE PROXY

I request to be excused from the Judiciary

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. Driscoll

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
HB 55	X	
Amendment	X	
HB 130	X	
HB 133	X	

BILL/AMENDMENT	AYE	NO

Rep. Mole Menahan
(Signature)

Date 1/26/09

AUTHORIZED COMMITTEE PROXY

I request to be excused from the Justice Committee

Committee because of other commitments. I desire to leave my proxy vote with:

Rep Driscoll

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
HB 130	X	
HB 131	X	
HB 132	X	
HB 33	Y	
Amendment		
→ AMB 1		X
HB 133	X	

BILL/AMENDMENT	AYE	NO

Rep. Al Keel
(Signature)

Date July 26, 2005